

## COMBINED DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am an original, first and sole inventor of the subject matter (an original, first and joint inventor) which is claimed and for which a utility patent is sought on the invention entitled:

## DATA RATE LIMITING

the specification of which:

- ☐ was filed on \_\_\_\_\_, as United States non-provisional application  
U.S.S.N. \_\_\_\_\_, bearing Attorney Docket No. \_\_\_\_\_.
- ☒ is attached hereto.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56.

- ☐ I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) or §365(b) of any foreign application(s) for patent or inventor's certificate, or §365(a) of any PCT International application designating at least one country other than the United States listed below and have also identified below any foreign application for patent or inventor's certificate or PCT International application having a filing date before that of the application on which priority is claimed.

[illegible]

- ☒ I hereby claim the benefit under Title 35, United States Code, § 119(e) or §120 of any United States application(s), or §365(c) of any PCT International application(s) designating the United States of America listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

| <b>Application No.</b><br><i>(U.S.S.N.)</i> | <b>Filing Date</b><br><i>(dd/mm/yy)</i> | <b>Status</b><br><i>(Patented, Pending, Abandoned)</i> |
|---|---|--|
| 60/189,640                                  | 14/03/00                                | PENDING  |
|   |   |  |
|   |   |  |

PCT International Applications designating the United States:

| <b>PCT International Application No.</b> | <b>PCT Filing Date</b> | <b>Status</b> |
|--|------------------------|---------------|
|  |                        |               |

I hereby appoint the following attorneys and/or agents to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

| <b>Attorney or Agent</b> | <b>Registration No.</b> | <b>Attorney or Agent</b> | <b>Registration No.</b> |
|--------------------------|-------------------------|--------------------------|-------------------------|
| Kevin N. Ainsworth       | 39,586                  | Christina V. Karnakis    | 45,899                  |
| Ingrid A. Beattie        | 42,306                  | Robert V. Klauzinski     | 42,742                  |
| William Belanger         | 40,509                  | Kristin E. Konzak        | 44,848                  |
| Naomi Biswas             | 38,384                  | Cynthia Kozakiewicz      | 42,764                  |
| Duane Blake              | 47,279                  | Barry J. Marenberg       | 40,715                  |
| Yong Choi                | 43,324                  | William A. Marino        | 44,219                  |
| David F. Crosby          | 36,400                  | A. Jason Mirabito        | 28,161                  |
| Brett N. Dorny           | 35,860                  | Michel Morency           | Limited Recognition     |
| Marianne Downing         | 42,870                  | Bradley Olson            | 40,750                  |
| Ivor R. Elrifi           | 39,529                  | Carol H. Peters          | 45,010                  |
| Heidi A. Erlacher        | 45,409                  | David W. Poirier         | 43,007                  |
| Christina Gadiano        | 37,628                  | Michael Renaud           | 44,299                  |
| Richard Gervase          | P-46,725                | Brian Rosenbloom         | 41,276                  |
| John A. Harre            | 37,345                  | Robert J. Sayre          | 42,124                  |
| Brian P. Hopkins         | 42,669                  | Thomas M. Sullivan       | 39,392                  |
| Shane Hunter             | 41,858                  | Janine M. Susan          | 46,119                  |
| David E. Johnson         | 41,874                  | Howard Susser            | 33,556                  |
| Kris Kalidindi           | 41,461                  | Shelby J. Walker         | 45,192                  |

all of MINTZ, LEVIN, COHN, FERRIS, GLOVSKY AND POPEO PC, One Financial Center, Boston, Massachusetts 02111, as Applicant's attorneys with full power of substitution and revocation to take any and all action necessary with regard to the above-identified patent.

Address all telephone calls to Shane H. Hunter, Esq. at telephone number 617/348-1765.  
Address all correspondence to:

Shane H. Hunter, Esq.  
Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.  
One Financial Center  
Boston, Massachusetts 02111

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or patent issued thereon.

\_\_\_\_\_  
Inventor's Signature

\_\_\_\_\_  
Date

Full Name of Inventor: Zhao Liu

Citizenship: China

Residence: Tewksbury, MA

Post Office Address: 11 Old Boston Road, Apt 414, Tewksbury, MA 01876

\_\_\_\_\_  
Inventor's Signature

\_\_\_\_\_  
Date

Full Name of Inventor: Jerry Zhiyi Guo

Citizenship: United States

Residence: Carlisle, MA

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TRADOCS:1446584.1(V06W01!.DOC)

Express Mail No. EK611846800US

Date of Deposit: March 13, 2001

Applicant or Patentee: Zhao Liu and Jerry Zhiyi Guo

Attorney's

Serial or Patent Number: Not yet assigned

Docket No: 19282-023

Filed or Issued: March 13, 2001

For: DATE RATE LIMITING

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS (37 CFR 1.9 (f) and 1.27 (b)) -- SMALL BUSINESS CONCERN**

I hereby declare that I am

☐ the owner of the small business concern identified below:☒ an official of the small business concern empowered to act on behalf of the concern identified below:NAME OF CONCERN RiverDelta NetworksADDRESS OF CONCERN Three Highwood Drive East, Tewksbury, MA 01876

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled:

**DATE RATE LIMITING**

by inventor(s)  
Zhao Liu and Jerry Zhiyi Guo  
described in

☒ the specification filed herewith

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9 (d) or by any concern which would not qualify as a small business concern under 37 CFR 1.9 (d) or a nonprofit organization under 37 CFR 1.9 (e).

\*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

FULL NAME

ADDRESS

☐

INDIVIDUAL

☐

SMALL BUSINESS CONCERN

☐

NONPROFIT ORGANIZATION

FULL NAME

ADDRESS

☐

INDIVIDUAL

☐

SMALL BUSINESS CONCERN

☐

NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28 (b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING

Mr. Michael Brown

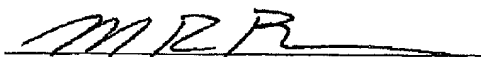
TITLE OF PERSON OTHER THAN THE OWNER

V.P. of Business Development and Chief Operating Officer

ADDRESS OF PERSON SIGNING

RiverDelta Networks, Three Highwood Drive East, Tewksbury, MA 01876

SIGNATURE

DATE 3-12-01